



7020-02

INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-1073

Certain Thermoplastic-Encapsulated Electric Motors, Components Thereof, and Products and Vehicles Containing Same II

Institution of Investigation

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 5, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Intellectual Ventures II LLC of Bellevue, Washington. A supplement was filed on September 15, 2017. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing same by reason of infringement of U.S. Patent No. 7,154,200 (“the ’200 patent”); U.S. Patent No. 7,067,944 (“the ’944 patent”); U.S. Patent No. 7,067,952 (“the ’952 patent”); U.S. Patent No. 7,683,509 (“the ’509 patent”); and U.S. Patent No. 7,928,348 (“the ’348 patent”). The complaint further alleges that an industry in the United States exists and is in the process of being established as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, as supplemented, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15

p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 4, 2017, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing same by reason of infringement of one or more of claims 1, 2, and 4-7 of the '200 patent; claims 24-27 of the '348 patent; claims 1, 2, 14, and 15 of the '509 patent; claims 3, 9, and 11 of the '944 patent; and claims 10 and 12 of the

'952 patent; and whether an industry in the United States exists and/or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding Administrative Law Judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. sections 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Intellectual Ventures II LLC
3150 139th Avenue SE
Building 4
Bellevue, WA 98005

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Aisin Seiki Co., Ltd.
2-1, Asahimachi
Kariya 448-0032
Aichi, Japan

Aisin Holdings of America, Inc.

1665 E 4th Street Road

Seymour, IN 47274

Aisin Technical Center of America, Inc.

15300 Centennial Drive

Northville, MI 48168

Aisin World Corporation of America

15300 Centennial Drive

Northville, MI 48168

Bayerische Motoren Werke AG

Petuelring 130

D-80788, Munich, Germany

BMW of North America, LLC

300 Chestnut Ridge Rd.

Woodcliff Lake, NJ 07677

BMW Manufacturing Co., LLC

1400 Hwy. 101 S.

Greer, SC 29651-6731

Denso Corporation

1-1, Showacho,

Kariya 448-0029

Aichi, Japan

Denso International America, Inc.

24777 Denso Drive

Southfield, MI 48033

Honda Motor Co., Ltd.

1-1, 2-chome, Minami-Aoyama, Minato-ku

Tokyo 107-8556, Japan

Honda North America, Inc.

700 Van Ness Avenue

Torrance, CA 90501

American Honda Motor Co., Inc.

1919 Torrance Blvd.

Torrance, CA 90501

Honda of America Mfg., Inc.

24000 Honda Pkwy.
Marysville, OH 43040

Honda Manufacturing of Alabama, LLC
1800 Honda Drive
Lincoln, AL 35096

Honda R&D Americas, Inc.
1900 Harpers Way
Torrance, CA 90501

Mitsuba Corporation
1-2681, Hirosawacho
Kiryu 376-0013
Gunma, Japan

American Mitsuba Corporation
2945 Three Leaves Drive
Mount Pleasant, MI 48858

Nidec Corporation
338, Tonoshirocho
Kuze, Minami-Ku

Kyoto, Japan

Nidec Automotive Motor Americas, LLC

1800 Opdyke Court

Auburn Hills, MI 48326

Toyota Motor Corporation

1 Toyota-cho

Toyota City, Aichi Prefecture 471-8571, Japan

Toyota Motor North America, Inc.

601 Lexington Ave., 49th Floor

New York, NY 10022

Toyota Motor Sales, U.S.A., Inc.

19001 S. Western Avenue

Torrance, CA 90501

Toyota Motor Engineering & Manufacturing North America, Inc.

25 Atlantic Avenue

Erlanger, KY 41018

Toyota Motor Manufacturing, Indiana, Inc.

4000 Tulip Tree Drive
Princeton, IN 47670

Toyota Motor Manufacturing, Kentucky, Inc.
1001 Cherry Blossom Way
Georgetown, KY 40324

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination

containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 4, 2017

William R. Bishop
Supervisory Hearings and Information Officer

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